



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,801	12/08/2005	Hiroaki Tsutsumi	SHIGA5.004APC	8174
20995 7590 01/15/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER HYLTON, ROBIN ANNETTE				
ART UNIT 3781		PAPER NUMBER		
NOTIFICATION DATE 01/15/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

### Office Action Summary

**Application No.**

10/559,801

**Applicant(s)**

TSUTSUMI ET AL.

**Examiner**

ROBIN HYLTON

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 3-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on September 23, 2008. These drawings are approved.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US 6,216,027) in view of Thomson (US 5,275,287).

Thompson '027 discloses a synthetic resin cap **10** comprising:  
a cap body having a top plate **11** and a cylindrical section **12** extending downward from a periphery of the top plate; a circular inner seal projection **30** formed on an inner surface of the top plate which fits into a container opening; and a circular opening edge seal projection **26** formed on the inner surface of the top plate which contacts an opening edge of the container opening, wherein the opening edge seal projection is bent and deformed in an expanding radial direction until contacting the cap when the synthetic resin cap is attached to the container opening and wherein the opening edge seal projection comprises an erect cylindrical section extending downward from the top plate and an expanding cylindrical section which spreads in the radial outer direction of the synthetic resin cap from the erect cylindrical section.

Thompson '027 does not disclose a positioning protrusion is provided on the top plate that contacts the opening edge when the opening edge seal projection is bent and deformed until contacting the cap body, and wherein the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap.

Thompson '287 teaches it is known to provide a synthetic resin cap with a circular opening edge seal projection **20** formed on the inner surface of the top plate which contacts an opening edge of a container opening and a positioning protrusion **24** provided on the top plate that contacts the opening edge when the cap body is seated on the container and wherein the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a positioning protrusion **24** provided on the top plate that contacts the opening edge when the cap body is seated on the container and wherein the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap to the cap of Thompson '027. Doing so provides a more effective leak-resistant sealing arrangement between the cap and container.

Regarding the shape of the positioning protrusion as set forth in claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the positioning protrusion of a rectangular shape since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976). Doing so provides a known alternative shape that does not require a special mold.

4. Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US 6,216,027) in view of Corsette (US 3,069,040).

Thompson '027 discloses a synthetic resin cap **10** comprising:  
a cap body having a top plate **11** and a cylindrical section **12** extending downward from a periphery of the top plate; a circular inner seal projection **30** formed on an inner surface of the

top plate which fits into a container opening; and a circular opening edge seal projection **26** formed on the inner surface of the top plate which contacts an opening edge of the container opening, wherein the opening edge seal projection is bent and deformed in an expanding radial direction until contacting the cap when the synthetic resin cap is attached to the container opening and wherein the opening edge seal projection comprises an erect cylindrical section extending downward from the top plate and an expanding cylindrical section which spreads in the radial outer direction of the synthetic resin cap from the erect cylindrical section.

Thompson '027 does not disclose a positioning protrusion is provided on the top plate that contacts the opening edge when the opening edge seal projection is bent and deformed until contacting the cap body, and wherein the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap.

Corsette teaches it is known to provide a synthetic resin cap with a circular opening edge seal projection **14** formed on the inner surface of the top plate which contacts an opening edge of a container opening and a positioning protrusion **16** provided on the top plate that contacts the opening edge when the cap body is seated on the container and wherein the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a positioning protrusion provided on the top plate that contacts the opening edge when the cap body is seated on the container and wherein the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap to the cap of Thompson '027. Doing so provides a more effective leak-resistant sealing arrangement between the cap and container.

Regarding the shape of the positioning protrusion as set forth in claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the positioning protrusion of a rectangular shape since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976). Doing so provides a known alternative shape that does not require a special mold.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 3-9 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any

Art Unit: 3781

applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 8:00 a.m. to 2:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick, can be reached on (571) 272-4561.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199
- Internet PTO-Home Page <http://www.uspto.gov>

/Robin A. Hylton/  
Robin A. Hylton  
Primary Examiner  
GAU 3781